

4/13/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Donald Ervin STEINWANDT and John Ruben JOHNSON
Serial no. : 10/712,667
Filed : November 13, 2003
For : METHOD OF APPLYING SILICONE CAULKING
COMPOUND
Group Art Unit : 1762
Examiner : Frederick John Parker
Docket : THOLAM P215US

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION IN SUPPORT OF REGISTRATION OF PATENT

Dear Sir:

I, John Payzant, reside in Alberta Canada and hereby declare as follows:

I am a Chemist and my curriculum vitae is attached.

In the year 2002, I assisted the Applicants of the above identified application in determining why some surfactants were suitable for use in accordance with their method disclosed in the above identified application and why some surfactants were not suitable.

I determined that the commonality between all surfactants that were suitable for use with the method of the above identified application was that they were cationic surfactants.

10/712,667

I have read the comments of the Examiner regarding his belief that persons he regards as those skilled in the art, e.g., "a painter, a builder, or a home handyman", would not understand what a cationic surfactant is. It is my understanding that caulking is used by such a broad cross-section of educational groups that this may be undoubtedly true. There is no doubt that many persons who use caulking do not know the chemical composition of what they are applying. However, I am a chemist by trade, but have also had the occasion to use silicon type caulking and I appreciate the difficulties encountered, in the absence of the Applicants' method disclosed in the above identified application.

I have read the Examiner's comments regarding the teaching of suitable cationic surfactants. Based upon my experience, most individuals involved in the manufacture of chemical compositions, such as caulking compounds, would know what a cationic surfactant is. Cationic surfactants are readily available from many industrial chemical suppliers, who would be able to fill any order for a cationic surfactant.

I believe, after having read the specification of the above identified application, that excessive experimentation would not be necessary to find a cationic surfactant which would be satisfactory in carrying out the method of applying a silicone caulking compound as disclosed in the above identified application. I have read the Examiner's comments regarding "undue experimentation" to determine compositions which are suitable and not detrimentally reactive with the caulk. I am not aware of any cationic surfactant that would be unsuitable for use with the method of the above identified application. Moreover, a number of cationic surfactants that I would use to carry out the method of applying a silicone caulking compound of the above identified application are readily available in a few conventional household cleaners. Someone with a knowledge of cationic surfactants can determine which household cleaner are suitable by examining the surfactants listed on the product labels for those products. Based upon my experience, such conventional household cleaners could be easily obtained by just about everybody, including "a painter, a builder or a home handyman."

I have read the Examiner's comments regarding whether the cationic surfactant would be applied in either diluted or full strength. As noted above, after a user acquires a cationic surfactant, e.g., either a conventional household cleaner or

10/712,667

a cationic surfactant from an industrial chemical supplier, the user can apply the same in its originally obtained concentration, e.g., without any dilution. If, unacceptable results were obtained, for example the caulking compound was adhering to undesired locations of the surface, the user could then either dilute the household cleaner or the cationic surfactant from an industrial chemical supplier or, more likely, purchase a more concentrated version of the household cleaner or other cationic surfactant so as to prevent the caulking compound from adhering to undesired location(s) of the surface which is the intent of the above identified application.

The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent(s) issuing thereon.

Date:

April 13/2005

Name:

John Payzant
John Payzant

**John Payzant****Qualifications:**

Senior research chemist specializing in the polymer and composites area.

Career History:

1990-Present:

Associate Research Officer
Alberta Research Council
Advanced Materials Group

Jan. 1976-1990:

Research Associate at the University of Alberta, Edmonton.
Supervisor: Prof. O.P. Strausz

May 1975-Dec. 1975:

Research Associate at the University of Alberta, Edmonton.
Supervisor: Prof. P. Kebarle

May 1973-May 1975:

Postdoctoral Fellow at the Centre for Research in Experimental
Space Science at York University, Toronto.
Supervisors: Prof. H.I. Schiff and Prof. D.K. Bohme

Education & Training:

B.Sc. Acadia University (1967)

B.Sc. (Honours Chemistry) Acadia University (1968)
Ph.D. (Physical Chemistry) University of Alberta (1973)

Theses: (1968)

B.Sc. "Electron Spin Resonance Studies of Selected Borazines"
Supervisor: Prof. D.A. Stiles
Ph.D. "Studies of the Kinetics and Equilibria of Selected Ion
Molecule Reactions" (1973). Supervisor: Prof. P. Kebarle
Defended Ph.D. Thesis, April 1973

AWARDS:

Margaret S. Sterling Scholarship (1964-1967)
Union Carbide Scholarship (1964-1968)
University Medal in Chemistry (1968)
National Research Council Scholarship (1968-1969 and 1970-1973)

Skill sets:

43 Scientific Publications (Titles available on request)

Patents:

U.S. 5,290,428; *Superacid Catalyzed Hydrocracking of Heavy Oils and Bitumens*, Otto P. Strausz, Thomas W. Mojelsky, John D. Payzant, George A. Olah, and Surya G.K. Prakash.

U.S. 5,846,305; *Liquid Wood Preservative Solution*, John D. Payzant.

U.S. 5,962,678; *Method of Extracting Selected Sweet Glycosides from the Stevia Rebuadiana Plant*, John Donald Payzant, James Kenneth Laidler and Robert Maurice Ippolito.

U.S. 6,001,279; *Solidified Water Soluble Wood Preservative and Method of Making the Same*, John Donald Payzant, James Allen Melnichuk.

Networked Polymer/Clay Alloy, John Donald Payzant and Zhihong Zhou (U.S. Patent pending).

Reinforced Network Polymer/Clay Alloy Composite, Zhihong Zhou, John Donald Payzant, and Walter van Woudenberg (U.S. Patent pending).

Professional Associations:

The Canadian Society for Chemistry